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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,189	06/18/1998	GEOFFREY D. NUNBERG	D/95465	8287
7590 01/26/2005				
Oliff & Berridge PLC PO Box 19928 Alexandria, VA 22320		EXAMINER EDOUARD, PATRICK NESTOR		
		ART UNIT 2674 PAPER NUMBER		
DATE MAILED: 01/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/100,189

Applicant(s)

NUNBERG ET AL.

Examiner

Patrick N. Edouard

Art Unit

2654

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 3-19 and 21-27.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: see attached Office Action

PATRICK N. EDOUARD  
PRIMARY EXAMINER

### DETAILED ACTION

1. This Office Action is in response to communication filed 09/17/2004. Claims 1, 3-19 and 21-27 are pending.

#### *Response to Arguments*

2. Applicant's arguments filed 8/14/00 have been fully considered but they are not persuasive. Because of the following reasons:

In response to Applicant's argument that Martino does not disclose identifying a document type without structurally...by generating a cue vector... wherein the first set of cues includes a punctuational cue. The examiner cannot concur. Martino teaches a method of determining the language or genre or document type on a computer-recorded document. In fact, Martino et al discloses at col. 3, lines 5-21, the term "language" as used in the claims also applies to "genres" or "document type" within a natural language. Martino further teaches generating a log of punctuation (such as periods, or quotation marks, capitalization or paragraphs that read on "cue" at col. 10, lines 46 to col. 11 line 11 and figure 4). Martino teaches the use of log files to represent the occurrences of punctuation; capitalization but does not explicitly teach the use of vectors. However, Martino discloses the use of a measured interval that reliably separates languages and/genres or type of document (Martino; col. 8, lines 14-45). Therefore, his method of identifying the "language" is equivalent to the method identifying the "genre" or "document type" using a cue vector.

In response to Applicant's argument that Biber does not disclose a process for identifying a document type, the examiner cannot concur. In fact, the Background of the invention on page

4, lines 12 to page 5, line 15 in particular the “Multidimensional Approach To linguistic...” disclose a method for identifying genre variation. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Biber’s tags as cues within the Martino system with the motivation of performing stylistic investigations applicable across many text and text types (Biber; page 331, first two paragraphs after section 1, introduction)

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,3, 6, 13-14 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Martino et al (5,913,185) as set forth in prior Office Action mailed 3/13/00
5. Claims 4-5, 7-12, 15-19, 21-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martino et al (5,913,185) as applied to claims 1-3 above and further in view of Biber (“The Multi-dimensional Approach to Linguistic Analyses of Genre Variation” An overview of Methodology and Finding”. As set forth in prior Office mailed 3/13/00
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on T-F 7:30-6:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9647. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick N. Edouard

January 7, 2005



PATRICK N. EDOUARD  
PRIMARY EXAMINER